

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH MILLER, individually and on behalf of
his minor children attending an Amish School in
Clymer and as a board member of that school;
EZRA WENGERD, as a representative of all
Amish schools in the State of New York; JONAS
SMUCKER, individually and on behalf of his
minor children; DYGERT ROAD SCHOOL,
PLEASANT VIEW SCHOOL a/k/a TWIN
MOUNTAIN SCHOOL; and SHADY LANE
SCHOOL,

Plaintiffs,

23-CV-484

vs.

DR. JAMES V. MCDONALD, in his official
capacity as Commissioner of Health of the State
of New York, and DR. BETTY A. ROSA, in her
official capacity as Commissioner of Education of
the State of New York,

Defendants.

NOTICE OF MOTION TO DISMISS

MOTION BY:

Defendants DR. JAMES V. MCDONALD,
in his official capacity as Commissioner of
Health of the State of New York, and DR.
BETTY A. ROSA, in her official capacity as
Commissioner of Education of the State of
New York

RELIEF SOUGHT:

Dismissal under Fed. R. Civ. P. 12(b)(1) &
(6) with prejudice

WHEN RETURNABLE:

As directed by the Court

WHERE RETURNABLE:

Hon. Elizabeth A. Wolford
United States District Court
Western District of New York

100 State Street
Rochester, NY 14614

SUPPORTING PAPERS:

Memorandum of Law and Declarations of
Debra Blog, MD, MPH and Denetra D.
Roberts, Esq, with exhibits

Pursuant to Local Rule 7(a)(1), notice is hereby given that defendants intend to file reply papers.
Pursuant to Local Rule 7(b) any opposing papers must be served at least fourteen (14) days prior
to the return date of the motion unless otherwise ordered by the Court.

DATED: July 31, 2023
Buffalo, New York

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants
BY:
/s/ Denetra D. Roberts
DENETRA D. ROBERTS
DANIEL R. MAGUIRE
Assistant Attorney General of Counsel
Main Place Tower, Suite 300A
350 Main Street
Buffalo, NY 14202
(716) 853-8566
Denetra.Roberts@ag.ny.gov
Daniel.Maguire@ag.ny.gov